

VILLAGE OF LOMBARD  
REQUEST FOR BOARD OF TRUSTEES ACTION  
For Inclusion on Board Agenda

Resolution or Ordinance (Blue) \_\_\_\_\_  
Waiver of First Requested  
Recommendations of Boards, Commissions & Committees (Green)  
Other Business (Pink)

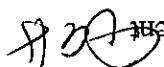
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TO: PRESIDENT AND BOARD OF TRUSTEES

FROM: William T. Lichter, Village Manager

DATE: August 29, 2006 (B of T) Date: September 7, 2006

TITLE: PC 06-23: 1041 E. Maple Avenue

SUBMITTED BY: Department of Community Development 

BACKGROUND/POLICY IMPLICATIONS:

Your Plan Commission transmits for your consideration a petition requesting approval of a Minor Plat of Resubdivision in the R2 Single-Family Residence District, along with one of the following zoning actions:

a. A variation from Section 154.506 (G) of the Subdivision and Development Ordinance requiring lot lines to be generally perpendicular to the adjacent street; or in the alternative,

b. A variation from Section 155.406 (F)(3) of the Zoning Ordinance to allow for a four-foot (4') interior side yard setback, where a minimum six-foot interior side yard setback is required. (DISTRICT #5)

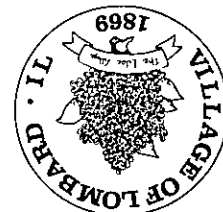
The Plan Commission recommended denial of the request.

Fiscal Impact/Funding Source:  
Review (as necessary):

Village Attorney X \_\_\_\_\_  
Finance Director X \_\_\_\_\_  
Village Manager X \_\_\_\_\_  
Date \_\_\_\_\_  
Date \_\_\_\_\_  
Date \_\_\_\_\_

NOTE: All materials must be submitted to and approved by the Village Manager's Office by 12:00 noon, Wednesday, prior to the Agenda Distribution.





MEMORANDUM

**TO:** William T. Lichter, Village Manager

**FROM:** David A. Hulseberg, AICP *DH*  
Assistant Village Manager/Director of Community Development

**DATE:** September 7, 2006

**SUBJECT:** PC 06-23: 1041 E. Maple Street

Attached please find the following items for Village Board consideration as part of the September 7, 2006 Village Board meeting:

1. Plan Commission referral letter;
2. IDRC report for PC 06-23; and
3. Plans associated with the petition.

The Plan Commission recommended denial of the request.

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**VILLAGE OF LOMBARD**

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Village President  
William J. Mueller

Village Clerk  
Bridgette O'Brien

Trustees

Greg Alan Gron, Dist. 1  
Richard J. Tross, Dist. 2  
John "Jack" T. O'Brien, Dist. 3  
Steven D. Sebby, Dist. 4  
Kenneth M. Florey, Dist. 5  
Rick Soderstrom, Dist. 6

Dear President and Trustees:

**Subject: PC 06-23; 1041 E. Maple Street**

Mr. William J. Mueller,  
Village President, and  
Board of Trustees  
Village of Lombard

Your Plan Commission transmits for your consideration its recommendation regarding the above-referenced petition. The petitioner requests approval of a Minor Plat of Resubdivision in the R2 Single-Family Residence District, along with one of the following zoning actions:

a. A variation from Section 154.506 (G) of the Subdivision and Development Ordinance requiring lot lines to be generally perpendicular to the adjacent street; or in the alternative,

b. A variation from Section 155.406 (F)(3) of the Zoning Ordinance to allow for a four-foot (4') interior side yard setback, where a minimum six-foot interior side yard setback is required.

After due notice and as required by law, the Plan Commission conducted a public hearing for this petition on August 21, 2006. Faith McGowan, 16 Heather Lane, Oak Brook, presented the petition. She petitioned for a variance for a side setback line at 1041 E. Maple Avenue. She originally bought the property looking to tear down the fifty year old house. She designed a house for the corner lot, but the market in real estate changed. She rethought tearing down the ranch and rehabbing it instead. The existing garage breezeway and greenhouse are not attached to the foundation. The variation request is to rehabilitate the house and take off the garage, breezeway and greenhouse and leave the foundation wall where it is now. It would not make economic sense to tear down part of the foundation wall. She would like to add a detached garage, sunroom and have an additional lot.

Chairperson Ryan then opened the meeting for public comment. No one spoke for or against the petition. He then requested the staff report.

"Our shared *Vision* for Lombard is a community of excellence exemplified by its government working together with residents and business to create a distinctive sense of spirit and an outstanding quality of life."  
"The *Mission* of the Village of Lombard is to provide superior and responsive governmental services to the people of Lombard."

William Heniff, Senior Planner, presented the staff report which was submitted to the public record. The subject property is improved with an existing house with an attached garage. The property meets current setback requirements. The property owner is proposing to subdivide the existing lot into two lots, one being a corner lot with frontage on Second Avenue and Maple Street and the other being an interior lot with frontage on Maple Street only.

As a vacant lot, the proposed lot could be subdivided into two lots of record without requiring any zoning relief. However, the petitioner is seeking approval of companion zoning relief to allow part of the existing residence to remain on the site. The petitioner proposes to raze the existing attached garage and construct a new detached garage south of the residence. Once this action is completed, the western portion of the lot could be developed into a new lot of record and constructed with a new residence provided that one of the two variations are granted.

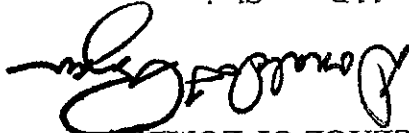
The first request would create irregularly shaped parcels, but would keep the existing residence at least six feet from the interior property line. If the Village Board does not find this concept desirable, the petitioner would be amenable to zoning relief from the side yard setback requirements to allow for the interior side yard to be four feet rather than the required six feet.

He then referenced staff's response to the standards for variations. He noted that no hardship exists that warrants granting of the relief and that granting such relief would create an undesirable precedent. As such, staff recommends denial of the petition in its entirety.

Chairperson Ryan then opened the meeting for discussion among the Plan Commission members. Commissioner Flint concurred with the staff report, noting that the request could create an undesirable precedent.

After due consideration of the petition and the testimony presented, the Plan Commission found that the requested variations do not comply with the standards of the Subdivision and Development Ordinance nor Zoning Ordinance. Therefore, the Plan Commission, by a roll call vote of 4 to 0, recommended to the Corporate Authorities, denial of the request for a conditional use associated with PC 06-23.

Respectfully,

VILLAGE OF LOMBARD  
  
Donald Ryan, Chairperson  
Lombard Plan Commission

c. Petitioner  
Lombard Plan Commission

**VILLAGE OF LOMBARD  
INTER-DEPARTMENTAL REVIEW GROUP REPORT**

**TO:** Lombard Plan Commission  
**FROM:** Department of Community Development  
**PREPARED BY:** William Heniff, AICP Senior Planner  
**HEARING DATE:** August 21, 2006

**TITLE**

**PC 06-23; 1041 East Maple Avenue:** The petitioner requests approval of a Minor Plat of Resubdivision in the R2 Single-Family Residence District, along with one of the following zoning actions:

- a. A variation from Section 154.506 (G) of the Subdivision and Development Ordinance requiring lot lines to be generally perpendicular to the adjacent street, or in the alternative,
- b. A variation from Section 155.406 (F)(3) of the Zoning Ordinance to allow for a four-foot (4') interior side yard setback, where a minimum six-foot interior side yard setback is required.

**GENERAL INFORMATION**

**Petitioner/ Property Owner:**  
Faith McGowan  
16 Heather Lane  
Oak Brook, Illinois 60523

**PROPERTY INFORMATION**

**Existing Land Use:** Single-Family Residential  
**Size of Property:** Approximately 15,746 square feet  
**Comprehensive Plan:** Recommends Low Density Residential  
**Existing Zoning:** R2 Single-Family Residence District

Surrounding Zoning and Land Use:

North:	R2 Single-Family Residence District; developed as single-family homes
South:	R2 Single-Family Residence District; developed as single-family homes
East:	R2 Single-Family Residence District; developed as single-family homes
West:	R2 Single-Family Residence District; developed as single-family homes

ANALYSIS

SUBMITTALS

This report is based on the following documentation, which was filed with the Department of Community Development on July 18, 2006:

1. Petition for Public Hearing, with response to standards.
2. Plat of Survey, prepared by Marchese Surveying, dated November 17, 2004.
3. Concept site plan, prepared by the petitioner.

DESCRIPTION

The property is located at the southwest corner of Maple Street and Second Avenue and is improved with an existing house with an attached garage. The property meets current setback requirements. The property owner is proposing to subdivide the existing lot into two lots, one being a corner lot with frontage on Second Avenue and Maple Street and the other being an interior lot with frontage on Maple Street only.

As a vacant lot, the proposed lot could be subdivided into two lots of record without requiring any zoning relief. However, the petitioner is seeking approval of companion zoning relief to allow part of the existing residence to remain on the site. The petitioner proposes to raze the existing attached garage and construct a new detached garage south of the residence. Once this action is completed, the western portion of the lot could be developed into a new lot of record and constructed with a new residence provided that one of the two variations are granted.

The first request would create irregularly shaped parcels, but would keep the existing residence at least six feet from the interior property line. If the Village Board does not find this concept desirable, the petitioner would be amenable to zoning relief from the side yard setback requirements to allow for the interior side setback yard to be four feet rather than the requested six feet.



The Zoning Ordinance (Section 155.102 (B)(3)) establishes the authority for reviewing companion variation requests associated with a plat application to the Plan Commission. Please note that only one of the requested actions would be required to create a second buildable lot and let the existing residence to remain on the premises. Each of these actions will be discussed separately within the report below.

## INTER-DEPARTMENTAL REVIEW COMMENTS

### ENGINEERING

#### Private Engineering Services

The Private Engineering Services Division has no objection to the request for approval from an engineering or construction perspective.

#### Public Works

The Department of Public Works has no comments regarding this application. However, they recommended that the final lot configuration should be reviewed to ensure code compliance if the subdivision option is approved.

### FIRE AND BUILDING

The Bureau of Inspectional Services has no comments regarding this petition.

### PLANNING

If the petitioner razes the existing residence, she could subdivide the existing lot into two lots of record through an administrative plat of subdivision. However, as the proposed lots do not meet all other provisions of Village code, it is then classified as a Minor Plat of Subdivision. Below is a discussion of each option.

### Option 1: Grant Relief from the Subdivision and Development Ordinance

The first option would grant a variation from Section 154.506 (G) of the Subdivision and Development Ordinance requiring lot lines to be generally perpendicular to the adjacent street with the side lot lines being approximately at right angles or radial to street lines. The purpose of this regulation is to ensure that side lot lines are not "gerrymandered" or created in a manner that is inconsistent with traditional lot subdivisions. Moreover, it also ensures that other sections of the Village Code are not circumvented.

In this request, the petitioner's lot division would create a right angle division at the front property line. However, the lot line would bend easterly immediately south of the existing residence. This bend is required in order for the new lot meet the 7,500 square foot area requirement.

In consideration of this action, the petitioner offered a response to standards for variations for provisions within the Subdivision and Development Ordinance. Staff offers the following comments:

*Where the Plan Commission finds that extraordinary hardship or particular difficulties may result from strict compliance with these regulations, it may recommend to the Village Board of Trustees the approval of variations to the regulations of this Ordinance so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of these regulations; and further provided that the Plan Commission shall not recommend variations to the provisions of these regulations unless it shall make findings based upon the evidence presented to it in each specific case that:*

a) *The granting of the variation will not be detrimental to the public safety, health or welfare, or injurious to other property or improvements in the neighborhood in which the subject property is located.*

Staff's concern with supporting divisions of this nature is that it could create an undesirable precedent for future divisions of land in the Village. Staff notes that the intent of the code is to provide for lots that are consistent with the Ordinance objectives and would not be contrary to the manner in which other lots in the neighborhood have been divided. Staff also notes that cul-de-sac lots also meet the intent of the code by having radial side lot lines. While staff readily admits that many lots in the Village are not completely rectangular in nature, their creation were the result of other subdivisions, that created remnant lots, the result of other divisions that were created prior to the current Ordinance regulations. In this instance, the angled lot is being created as a "run-around" from a variation from the lot area requirements.

b) *The conditions upon which the request for a variation is based are unique to the property for which the variation is sought, and are not applicable, generally, to other property.*

The existing lot is rectangular in shape. Dividing the lot at a right angle is practical and can be readily achieved – it would require the razing of the existing residence.

c) *Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out;*

Staff notes that the topographical conditions of the lot do not preclude the lot from being divided into two rectangular lots.

d) *Such variation or exception will not conflict with provisions of the Lombard Zoning Ordinance or Comprehensive Plan.*

Staff asserts that the angled lot concept is not consistent with the intent of the Zoning Ordinance or the Plan as it creates lots with irregular shapes based upon individual preference rather than external development constraints.

*The standards and requirements of these regulations may be modified in the case of Planned Developments when the Plan Commission finds that a plan and program for a new neighborhood unit or part thereof provides adequate public spaces and improvements for the circulation, recreation, light, air and public utilities service needs of the tract when fully developed, and which also provides such covenants or other legal provisions as will assure conformity and achievement of the plan.*

Staff believes the standards are not met in this instance and therefore, staff recommends denial of this request.

### Option 2: Grant Relief from the Zoning Ordinance

In review of the division request above, staff also thought it advisable to include the alternate zoning request as well – that is, grant a variation from the side yard setbacks from the lot to be created.

In consideration of this action, staff offers the following response to the variations for provisions within the Zoning Ordinance.

1. *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be applied.*

Staff notes that there is nothing unique to the existing property that would constitute a particular hardship – it is just the petitioner's desire to keep the existing home on the premises. In consideration of this option, staff notes that it is the lot division which is creating the need for the variation – the existing residence does and would continue to meet code but for the actions of the petitioner.

2. *The conditions upon which an application for a variation is based are unique to the property for which the variation is sought, and are not generally applicable to other property within the same zoning classification.*

The lot is typical of many other lots within the Village. With few exceptions, when such larger lots have been subdivided, the existing non-conforming homes are razed. Notable examples approved by the Village in 2006 include the subdivisions at Vista and 22<sup>nd</sup> Street and the properties at 509-515 W. Wilson Avenue.

3. *The purpose of the variation is not based primarily upon a desire to increase financial gain.*

Approval of this petition would allow the petitioner to sell off the western portion of the lot while keeping the existing residence on the premises.

4. *The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.*

The Ordinance has been consistently applied and this request would be created by the person having interest in the property.

5. *The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.*

The relief could create an undesirable precedent for other residences in close proximity to the subject property.

6. *The granting of the variation will not alter the essential character of the neighborhood;*

The relief would place residences closer together than desired by Code.

7. *The proposed variation will not impair an adequate supply of light and air to adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or impair natural drainage or create drainage problems on adjacent properties, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.*

Overall, staff believes that the standards for variations from the Zoning Ordinance are not met.

Compliance with the Comprehensive Plan

The Comprehensive Plan recommends the property be used for Low-Density Residential purposes. Low Density Residential uses are defined as residential areas with a net density of six (6) or less units per acre. Low Density Residential is primarily made up of single-family residential uses. The petitioner is proposing two dwelling units on property acre. The net density proposed is five and thirteen hundredths (5.53) units per acre, meeting the recommendation of the Comprehensive Plan.

However, within the housing and residential goals section, a concern is raised about encouraging infill development which is complementary with the scale and character of surrounding residential uses protecting residential areas. Staff has generally held that granting relief to provide for more dense development is not consistent with the objectives of the plan, particularly when there options available (i.e., razing the existing house in its entirety) to ensure that the newly created lots are consistent with the Ordinance provisions and/or any lots created by the subdivision meet code.

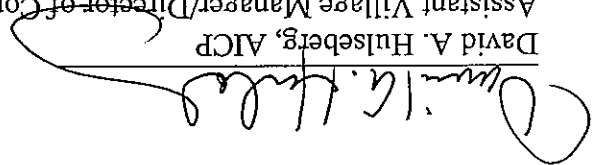
**FINDINGS AND RECOMMENDATIONS**

Staff believes that justification has been given for granting of the variation and that the standards for granting a variation have been met for the reasons noted above.

Based on the above considerations, the Inter-Departmental Review Committee recommends that the Plan Commission make the following motion recommending denial of this petition:

Based on the submitted petition and the testimony presented, the proposal does not comply with the standards required by the Lombard Subdivision and Development Ordinance nor the Zoning Ordinance; and, therefore, I move that the Plan Commission recommend to the Corporate Authorities denial of both requested actions associated with PC 06-23.

Inter-Departmental Review Group Report Approved By:

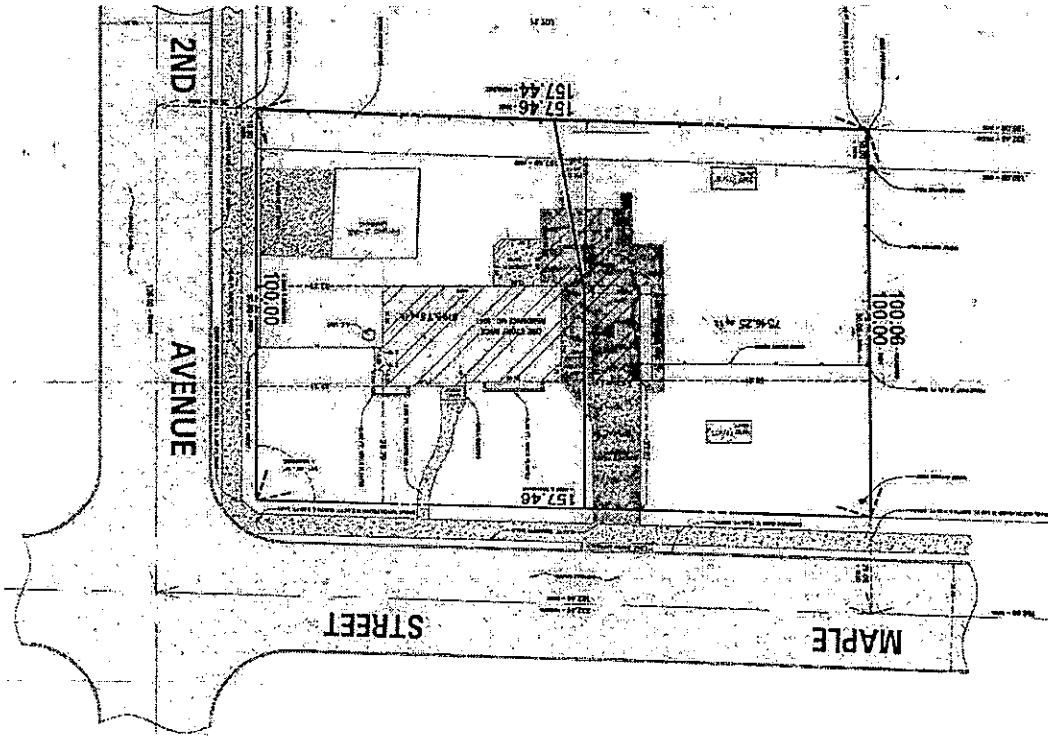


David A. Huiseberg, AICP  
Assistant Village Manager/Director of Community Development

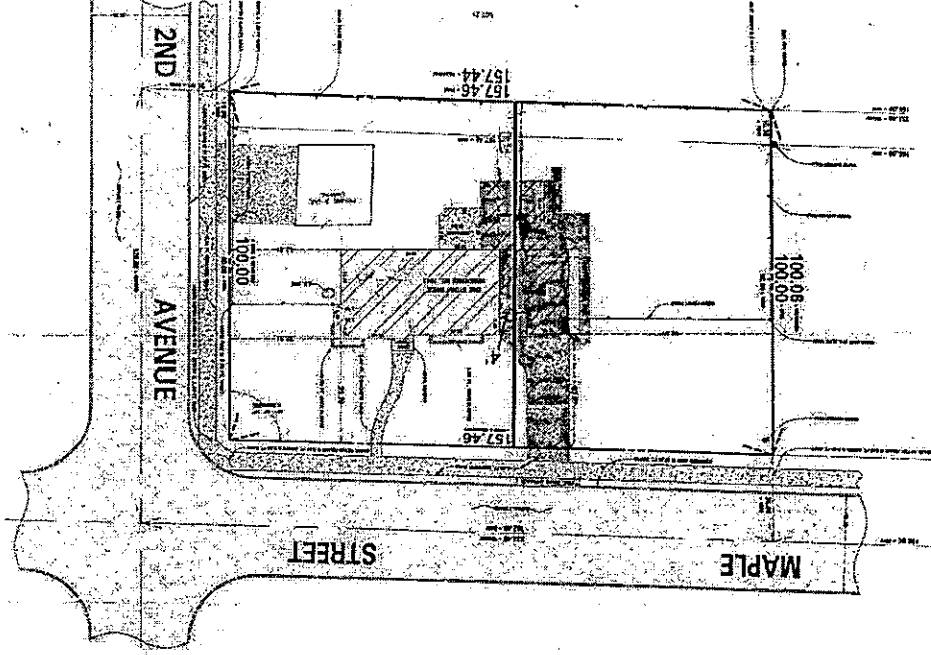
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c. Petitioner

Option A: Angled Lot Configuration



Option B: Interior Side Yard Variation









Faith McGowan  
16 Heather Lane  
Oak Brook, IL

Village of Lombard  
Department of Community Development

Re: Response to Standards for Variations

Property Location: 1041 East Maple Street

A) In regard to safety, health, or welfare, the slight angle on side set back line (if granted) will not impact the integrity of subject property. After subdivision and improvements are made there would be little to no impact in the neighborhood.

B) This request for variation is based on original foundation wall and trying to maintain this 50+year old existing structure, while improving the property And subdividing into 2 legal 7500 minimum square foot lots. The fact that The foundation wall is located where it is makes this request unique.

C) If this exception is not made to side set back line, it would be physically impossible to maintain original brick residence and I would have to tear it down.

D) With the granting of this exception, all other legal set back lines and other Legal aspects of the site plan and improvements will comply with both Lombard Zoning Ordinance and planning regulations.